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By: **Delegate Frush**

Introduced and read first time: February 6, 2003

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Traffic Control Signal Monitoring Systems - Yellow Signals**  
3 **and Minimum Speed Thresholds**

4 FOR the purpose of requiring certain agencies primarily responsible for traffic control  
5 at certain intersections with traffic control signal monitoring systems to ensure  
6 that the length of the yellow light change interval, which warns that the traffic  
7 control signal light will turn red, is set for certain minimum times for certain  
8 posted approach speeds; establishing a certain minimum speed threshold below  
9 which recorded images of motor vehicles entering an intersection against a red  
10 signal indication will not be produced; and generally relating to the  
11 establishment of minimum time intervals for the display of yellow signals and  
12 minimum speed thresholds for the production of recorded images of motor  
13 vehicles entering intersections against a red signal.

14 BY repealing and reenacting, with amendments,  
15 Article - Transportation  
16 Section 21-202.1  
17 Annotated Code of Maryland  
18 (2002 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Transportation**

22 21-202.1.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) "Agency" means:

25 (i) For a traffic control signal operated and maintained at an  
26 intersection under the control of the State, the law enforcement agency primarily  
27 responsible for traffic control at that intersection; or

1 (ii) For a traffic control signal operated and maintained at an  
2 intersection under the control of a political subdivision, a law enforcement agency of  
3 the political subdivision that is authorized to issue citations for a violation of the  
4 Maryland Vehicle Law or of local traffic laws or regulations.

5 (3) (i) "Owner" means the registered owner of a motor vehicle or a  
6 lessee of a motor vehicle under a lease of 6 months or more.

7 (ii) "Owner" does not include a motor vehicle rental or leasing  
8 company or a holder of a special registration plate issued under Part III of Title 13,  
9 Subtitle 9 of this article.

10 (4) "Recorded images" means images recorded by a traffic control signal  
11 monitoring system:

12 (i) On:

- 13 1. Two or more photographs;
- 14 2. Two or more microphotographs;
- 15 3. Two or more electronic images;
- 16 4. Videotape; or
- 17 5. Any other medium; and

18 (ii) Showing the rear of a motor vehicle and, on at least one image  
19 or portion of tape, clearly identifying the registration plate number of the motor  
20 vehicle.

21 (5) "Traffic control signal monitoring system" means a device with one or  
22 more motor vehicle sensors working in conjunction with a traffic control signal to  
23 produce recorded images of motor vehicles entering an intersection against a red  
24 signal indication.

25 (B) THE AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT AN  
26 INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM  
27 SHALL ENSURE THAT THE LENGTH OF TIME THAT A TRAFFIC CONTROL SIGNAL  
28 DISPLAYS A YELLOW LIGHT BEFORE CHANGING TO A RED SIGNAL INDICATION IS SET  
29 FOR THE FOLLOWING MINIMUM TIME PERIODS:

30 (1) WHERE THE POSTED APPROACH SPEED IS 25 MILES PER HOUR OR  
31 LESS, NOT LESS THAN 3.0 SECONDS;

32 (2) WHERE THE POSTED APPROACH SPEED IS 30 MILES PER HOUR, NOT  
33 LESS THAN 3.2 SECONDS;

34 (3) WHERE THE POSTED APPROACH SPEED IS 35 MILES PER HOUR, NOT  
35 LESS THAN 3.6 SECONDS;

1 (4) WHERE THE POSTED APPROACH SPEED IS 40 MILES PER HOUR, NOT  
2 LESS THAN 3.9 SECONDS;

3 (5) WHERE THE POSTED APPROACH SPEED IS 45 MILES PER HOUR, NOT  
4 LESS THAN 4.3 SECONDS;

5 (6) WHERE THE POSTED APPROACH SPEED IS 50 MILES PER HOUR, NOT  
6 LESS THAN 4.7 SECONDS;

7 (7) WHERE THE POSTED APPROACH SPEED IS 55 MILES PER HOUR, NOT  
8 LESS THAN 5.0 SECONDS;

9 (8) WHERE THE POSTED APPROACH SPEED IS 60 MILES PER HOUR, NOT  
10 LESS THAN 5.4 SECONDS; AND

11 (9) WHERE THE POSTED APPROACH SPEED IS 65 MILES PER HOUR, NOT  
12 LESS THAN 5.8 SECONDS.

13 (C) THE AGENCY PRIMARILY RESPONSIBLE FOR TRAFFIC CONTROL AT AN  
14 INTERSECTION MONITORED BY A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM  
15 SHALL ENSURE THAT THE MINIMUM SPEED THRESHOLD, BELOW WHICH A  
16 RECORDED IMAGE OF A MOTOR VEHICLE ENTERING AN INTERSECTION AGAINST A  
17 RED SIGNAL INDICATION IS NOT PRODUCED, IS SET FOR NO MORE THAN 12 MILES  
18 PER HOUR.

19 [(b)] (D) This section applies to a violation of § 21-202(h) of this subtitle at an  
20 intersection monitored by a traffic control signal monitoring system.

21 [(c)] (E) (1) Unless the driver of the motor vehicle received a citation from a  
22 police officer at the time of the violation, the owner or, in accordance with subsection  
23 [(f)(5)] (H)(5) of this section, the driver of a motor vehicle is subject to a civil penalty  
24 if the motor vehicle is recorded by a traffic control signal monitoring system while  
25 being operated in violation of § 21-202(h) of this subtitle.

26 (2) A civil penalty under this subsection may not exceed \$100.

27 (3) For purposes of this section, the District Court shall prescribe:

28 (i) A uniform citation form consistent with subsection [(d)(1)] (F)(1)  
29 of this section and § 7-302 of the Courts and Judicial Proceedings Article; and

30 (ii) A civil penalty, which shall be indicated on the citation, to be  
31 paid by persons who choose to prepay the civil penalty without appearing in District  
32 Court.

33 [(d)] (F) (1) Subject to the provisions of paragraphs (2) through (4) of this  
34 subsection, an agency shall mail to the owner liable under subsection [(c)] (E) of this  
35 section a citation which shall include:

36 (i) The name and address of the registered owner of the vehicle;

- 1 (ii) The registration number of the motor vehicle involved in the  
2 violation;
- 3 (iii) The violation charged;
- 4 (iv) The location of the intersection;
- 5 (v) The date and time of the violation;
- 6 (vi) A copy of the recorded image;
- 7 (vii) The amount of the civil penalty imposed and the date by which  
8 the civil penalty should be paid;
- 9 (viii) A signed statement by a technician employed by the agency  
10 that, based on inspection of recorded images, the motor vehicle was being operated in  
11 violation of § 21-202(h) of this subtitle;
- 12 (ix) A statement that recorded images are evidence of a violation of  
13 § 21-202(h) of this subtitle; and
- 14 (x) Information advising the person alleged to be liable under this  
15 section:
- 16 1. Of the manner and time in which liability as alleged in the  
17 citation may be contested in the District Court; and
- 18 2. Warning that failure to pay the civil penalty or to contest  
19 liability in a timely manner is an admission of liability and may result in refusal or  
20 suspension of the motor vehicle registration.
- 21 (2) The agency may mail a warning notice in lieu of a citation to the  
22 owner liable under subsection [(c)] (E) of this section.
- 23 (3) Except as provided in subsection [(f)(5)] (H)(5) of this section, a  
24 citation issued under this section shall be mailed no later than 2 weeks after the  
25 alleged violation.
- 26 (4) An agency may not mail a citation to a person who is not an owner  
27 under subsection (a)(3)(ii) of this section.
- 28 (5) A person who receives a citation under paragraph (1) of this  
29 subsection may:
- 30 (i) Pay the civil penalty, in accordance with instructions on the  
31 citation, directly to the political subdivision or to the District Court; or
- 32 (ii) Elect to stand trial for the alleged violation.
- 33 [(e)] (G) (1) A certificate alleging that the violation of § 21-202(h) of this  
34 article occurred, sworn to or affirmed by a duly authorized agent of the agency, based

1 on inspection of recorded images produced by a traffic control signal monitoring  
2 system shall be evidence of the facts contained therein and shall be admissible in any  
3 proceeding alleging a violation under this section.

4 (2) Adjudication of liability shall be based on a preponderance of  
5 evidence.

6 [(f)] (H) (1) The District Court may consider in defense of a violation:

7 (i) That the driver of the vehicle passed through the intersection in  
8 violation of § 21-202(h) of this subtitle:

9 1. In order to yield the right-of-way to an emergency vehicle;  
10 or

11 2. As part of a funeral procession in accordance with §  
12 21-207 of this subtitle;

13 (ii) Subject to paragraph (2) of this subsection, that the motor  
14 vehicle or registration plates of the motor vehicle were stolen before the violation  
15 occurred and were not under the control or possession of the owner at the time of the  
16 violation;

17 (iii) That under § 21-201 of this subtitle, this section is  
18 unenforceable against the owner because at the time and place of the alleged  
19 violation, the traffic control signal was not in proper position and legible enough to be  
20 seen by an ordinarily observant individual;

21 (iv) Subject to paragraph (3) of this subsection, evidence that the  
22 person named in the citation was not operating the vehicle at the time of the  
23 violation; and

24 (v) Any other issues and evidence that the District Court deems  
25 pertinent.

26 (2) In order to demonstrate that the motor vehicle or the registration  
27 plates were stolen before the violation occurred and were not under the control or  
28 possession of the owner at the time of the violation, the owner must submit proof that  
29 a police report about the stolen motor vehicle or registration plates was filed in a  
30 timely manner.

31 (3) To satisfy the evidentiary burden under paragraph (1)(iv) of this  
32 subsection, the person named in the citation shall provide to the District Court  
33 evidence to the satisfaction of the court of who was operating the vehicle at the time  
34 of the violation, including, at a minimum, the operator's name and current address.

35 (4) (i) The provisions of this paragraph apply only to a citation that  
36 involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or  
37 more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with  
38 a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

1 (ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this  
2 subsection, the person named in a citation described under subparagraph (i) of this  
3 paragraph may provide to the District Court a letter, sworn to or affirmed by the  
4 person and mailed by certified mail, return receipt requested, that:

5 1. States that the person named in the citation was not  
6 operating the vehicle at the time of the violation; and

7 2. Provides the name, address, and driver's license  
8 identification number of the person who was operating the vehicle at the time of the  
9 violation.

10 (5) (i) If the District Court finds that the person named in the citation  
11 was not operating the vehicle at the time of the violation or receives evidence under  
12 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the  
13 time of the violation, the clerk of the court shall provide to the agency issuing the  
14 citation a copy of any evidence substantiating who was operating the vehicle at the  
15 time of the violation.

16 (ii) Upon the receipt of substantiating evidence from the District  
17 Court under subparagraph (i) of this paragraph, an agency may issue a citation as  
18 provided in subsection [(d)] (F) of this section to the person that the evidence  
19 indicates was operating the vehicle at the time of the violation.

20 (iii) A citation issued under subparagraph (ii) of this paragraph  
21 shall be mailed no later than 2 weeks after receipt of the evidence from the District  
22 Court.

23 [(g)] (I) If the civil penalty is not paid and the violation is not contested, the  
24 Administration may refuse to register or reregister or may suspend the registration of  
25 the motor vehicle.

26 [(h)] (J) A violation for which a civil penalty is imposed under this section:

27 (1) Is not a moving violation for the purpose of assessing points under §  
28 16-402 of this article and may not be recorded by the Administration on the driving  
29 record of the owner or driver of the vehicle;

30 (2) May be treated as a parking violation for purposes of § 26-305 of this  
31 article; and

32 (3) May not be considered in the provision of motor vehicle insurance  
33 coverage.

34 [(i)] (K) In consultation with local governments, the chief judge of the District  
35 Court shall adopt procedures for the issuance of citations, the trial of civil violations,  
36 and the collection of civil penalties under this section.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
38 effect October 1, 2003.

